

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUL 21 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

Hacienda La Puente Unified School District
Decision of Universal Service Administrator

FCC Docket Nos. 97-21
and 96-45

DOCKET FILE COPY ORIGINAL

**REQUEST FOR REVIEW OF DECISION OF UNIVERSAL
SERVICE ADMINISTRATOR OF HACIENDA LA PUENTE
UNIFIED SCHOOL DISTRICT OR, ALTERNATIVELY,
SUPPLEMENT TO JULY 8, 1999, FILING**

James N. Horwood
Scott H. Strauss
Tony Lin
SPIEGEL & MCDIARMID
Suite 1100
1350 New York Avenue, NW
Washington, DC 20005-4798
(202) 879-4000
Attorneys for Hacienda La Puente
Unified HLPUSD

July 21, 1999

TABLE OF CONTENTS

I. STATEMENT OF HLPUSD’S INTEREST.....3

II. STATEMENT OF RELEVANT, MATERIAL FACTS3

III. STATEMENT OF ISSUES6

 A. *The ATM network telecommunications services provided for in the
GTEC Agreement are commercially available and eligible for
universal service discount.*.....7

 B. *FCC policy on economically disadvantaged communities supports
the HLPUSD’s request for a universal service discount.* 10

 C. *The HLPUSD qualifies for a universal service discount.* 12

IV. STATEMENT OF RELIEF14

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:

Hacienda La Puente Unified School District
Decision of Universal Service Administrator

FCC Docket Nos. 97-21
and 96-45

**REQUEST FOR REVIEW OF DECISION OF UNIVERSAL
SERVICE ADMINISTRATOR OF HACIENDA LA PUENTE
UNIFIED SCHOOL DISTRICT OR, ALTERNATIVELY,
SUPPLEMENT TO JULY 8, 1999, FILING**

Pursuant to 63 Fed. Reg. 70,564, 70,577 (1998) (to be codified at 47 C.F.R. § 54.719), Hacienda La Puente Unified School District of Los Angeles County (“HLPUSD”) appeals the Universal Service Administrator’s (“Administrator”) June 8, 1999, denial of a universal service discount in connection with HLPUSD’s October 10, 1997 Agreement with GTE California (“GTEC”),¹ pursuant to which GTEC is providing to HLPUSD Asynchronous Transfer Mode (“ATM”) network telecommunication, as described herein.²

¹ HLPUSD is informed that GTEC is a licensed local telecommunications carrier in the State of California, and has been authorized to provide universal service and to receive universal support by the California Public Utility Commission in the southern California area. It has been designated as SPIN #143004769.

² On July 8, 1999, HLPUSD filed a request for an extension until July 21 of the deadline for the submission of a request for review. In support, HLPUSD noted that it had not received the Administrator’s June 8 decision until June 21, 1999. Alternatively, HLPUSD asked that the attachments to its July 8 submission be considered as an appeal of the Administrator’s denial. As HLPUSD’s extension request remains pending, HLPUSD asks that the Commission accept the instant filing in accordance with that request. Alternatively, if the Commission declines to grant the extension, HLPUSD asks that the Commission consider the instant filing as a supplement to the request for review filed as part of the July 8 extension request.

INTRODUCTION AND SUMMARY

HLPUSD's request for review should be granted and the Administrator's denial should be reversed. The Administrator's sole stated basis for the denial of HLPUSD's request is the assertion that the services purchased from GTEC are not "commercially available." This finding is incorrect. The SLD's website explicitly states that ATM services are eligible for a universal service discount. The ATM network telecommunications services for which HLPUSD seeks support are available to other GTEC customers, and the expenses incurred to provide these services to HLPUSD are the same types of expenses that any other GTEC customer would incur to obtain these services. Indeed, GTE's website advertises the availability of the same ATM network telecommunications services that the Administrator has deemed not "commercially available."

As explained in its application and reiterated herein, including in the "Affidavit of Michael Droe" (Attachment 1 to this pleading), the School District's Director of Network & Computer Services, HLPUSD seeks support to purchase precisely the type of services and to implement the types of programs that the universal service fund was created to promote. HLPUSD serves a predominantly low-income urban area. Many of the School District's students and library patrons are unlikely to have Internet access in their households. Through the purchase of ATM network telecommunications services from GTEC, HLPUSD has sought to ensure that its students -- like those in more affluent school districts across the country -- are able to access the Information Superhighway and to use cutting edge, high technology learning tools as they become commercially available. For example, the network services at issue here are being used to implement the "Waterford Early Reading Project" throughout HLPUSD. This

Project, a computer-based, multimedia, early childhood reading program, could not be implemented efficiently and affordably absent the purchase of the ATM network telecommunications services at issue here.

Moreover, the Administrator's refusal to grant the request has had a significant, adverse impact on HLPUSD, which has been forced to pay for the ATM network telecommunications services using funds that would otherwise be available to address other needs.

Moreover, the Administrator's actions have been inconsistent. Acting through the School & Libraries Division ("SLD"), the Administrator has previously granted a separate request by HLPUSD for a discount in connection with the provision of internal connections needed to use the GTEC ATM network telecommunications services. HLPUSD is unable to discern a reasonable basis for the decision to grant a discount with respect to the provision of internal connections while denying a discount for the external connection.

I. STATEMENT OF HLPUSD'S INTEREST

HLPUSD's interest in this matter is direct and substantial. HLPUSD has applied for and been denied a several million-dollar universal service discount. The adverse financial consequences to HLPUSD as a result of the Administrator's denial are significant. For the reasons explained here, HLPUSD asks that the Administrator's denial be reviewed promptly and reversed. Further, the Commission should grant HLPUSD's discount request.

II. STATEMENT OF RELEVANT, MATERIAL FACTS

Mr. Droe's Affidavit provides background information on HLPUSD. He explains, *inter alia*, that HLPUSD:

- (1) serves 22,619 elementary and secondary school students and approximately 64,000 library patrons, Droe Affidavit, ¶ 4;

- (2) is comprised of 34 nonprofit institutional day or residential schools that provide elementary or secondary education, *Id.*;
- (3) none of the HLPUSD schools have endowments in excess of \$50 million, *Id.*, ¶ 5; and
- (4) contains two libraries, which are both eligible for assistance from the State of California under the Library Services and Technology Act, *Id.*, ¶ 6.

HLPUSD serves a predominately low-income urban area, which is reflected in its percentage of students who are eligible for the national school lunch program. *Id.*, ¶ 5.³ According to the universal service discount matrix, schools within the HLPUSD would be eligible for an 71% discount. *Id.*, ¶ 7.

Pursuant to 47 C.F.R. § 54.504 (1998), HLPUSD applied on January 1, 1998 for a universal service discount for the ATM network telecommunications services HLPUSD was purchasing pursuant to an October 10, 1997, agreement with GTEC ("GTEC Agreement").⁴ HLPUSD is informed that GTEC is a licensed local telecommunications carrier in the State of California, and has been authorized to provide universal service and to receive universal support by the California Public Utility Commission in the southern California area.

³ The FCC has accepted this measure as a fair approximation of the level of economic disadvantage for both schools and libraries in a community. *In the Matter of Federal-State Joint Board on Universal Service, Report and Order*, CC Docket No. 96-45, FCC 97-157, 12 FCC Rcd 8776, 9025-26 (1997) [hereinafter "FCC Order on Universal Service"].

⁴ HLPUSD's request was designated as Funding Request Number (FRN): 59909. HLPUSD's application, as supplemented, is Attachment 2 to this pleading.

The GTEC Agreement (Attachment 3 to this pleading) states that GTEC will provide HLPUSD 43 non-redundant Optical Carrier Level 3 Concatenated (OC-3c), Asynchronous Transfer Mode User-Networked Interface (ATM UNI), on single mode fiber at the specified sites and that GTEC will upgrade the existing OC-3 link to Optical Carrier Level 12 Concatenated (OC-12c). Agreement, Section 1 at 1. HLPUSD uses these network telecommunication services for educational purposes and does not sell, resell, or otherwise transfer those services for money or any other thing of value. Droe Aff., ¶ 13.

As explained by Mr. Droe, under the GTEC Agreement, GTEC provides ATM network services “[s]ubject to the availability of service facilities.” Agreement Section 1 at 1. Section 1 states that to the extent such facilities were unavailable, GTEC will construct them. Mr. Droe states:

In that sense, I regarded the Agreement as a standard commercial arrangement, under which GTEC would provide service either through its existing facilities or through to-be-constructed facilities. GTEC was required to install certain fiber optic cables to effectuate the delivery of ATM services to HLPUSD’s buildings. HLPUSD paid for that construction as part of the non-recurrent charge (NRC) for the service, but has no property interest in the facilities, which remain the property of GTEC. As I understand it, this arrangement is no different from the situation in which the telephone company installs a service drop in order to provide service to a new residence.

Droe Aff., ¶ 12.

After filing the relevant forms (FCC Form 470 and FCC Form 471, as supplemented) with the Administrator, HLPUSD was informed on February 25, 1999 that its application was “unfunded or denied” because “a significant portion of [the] FRN include[d] a request for Telecommunications Services that [were] not commercially available.” Attachment 4 to this pleading at 5, HPLUSD subsequently appealed this determination to the Administrator. Attachment 5 to this pleading.

In a letter dated June 8, 1999 which was not received by HLPUSD until June 21, 1999, the Administrator denied in full the discount request. The entirety of the Administrator's reasoning is:

Services requested under Funding Request Number 59909 were denied because part of the services, "fiber deployment", were not commercially available. Provision of the service being requested was subject to the availability of service facilities and the contract includes the construction, trenching, conduit and subconduit deemed to be necessary to bring the fiber optic facilities required to support the OC-3 and OC-12 services to the customer site.

Administrator's Decision on Appeal, at 1 (Attachment 6 to this pleading). The Administrator's decision was in error and, for the reasons explained here, should be reversed by the Commission.⁵ Universal Service, 63 Fed. Reg. 70,564, 70,573 (1998) (to be codified at 47 C.F.R. § 54.719).

III. STATEMENT OF ISSUES

The standard of review for Commission review of the Administrator's actions is *de novo*. Universal Service, 63 Fed. Reg. 70,564, 70,578 (1998) (to be codified at 47 C.F.R. § 54.723).

The only issue presented for review is whether the ATM telecommunication services stipulated in the GTEC contract requiring "fiber deployment" are eligible services. The Administrator's decision rests on the assertion that the contracted telecommunication services were not eligible services because the "fiber deployment" necessary for the provision of telecommunications services was not commercially available; they were subject to the

⁵ Pursuant to 63 Fed. Reg. 70,564, 70,578 (1998) (to be codified at 47 C.F.R. § 54.722(a)), the Commission shall consider requests for reviews that raise novel questions of fact, law or policy. In the event that this request for review does not raise any novel questions of fact, law or policy then the request for review should be considered by the Common Carrier Bureau and all references herein to the "Commission" should be replaced with the "Common Carrier Bureau."

availability of service facilities and they required the provision of construction, trenching, conduits and subconduits.⁶ Because (1) the FCC favors an expansive definition of telecommunication services eligible for universal support funding, (2) ATM services are available to other customers under similar contract terms, and (3) fiber deployment is a necessary component for the provision of ATM services, the telecommunication services provided under the GTEC contract are “commercially available” and eligible services for universal service discount. Accordingly, the Commission should grant the HLPUSD’s request for universal service discount.

A. The ATM network telecommunications services provided for in the GTEC Agreement are commercially available and eligible for universal service discount.

The FCC Order establishing the rules for universal service and funding for schools and libraries adopts a liberal and open policy with respect to the type of telecommunication services eligible for a universal service discount. As explained by the Commission:

431. We adopt the Joint Board’s recommendation, supported by many commenters, to provide *schools and libraries with the maximum flexibility to purchase from telecommunications carriers whatever package of commercially available telecommunications services they believe will meet their telecommunications service needs most effectively and efficiently*

432. As the Joint Board recognized, the establishment of a single set of priorities for all schools and libraries would substitute our judgment for that of individual school administrators throughout

⁶ Under the service contract the School District leases ATM services for multiple sites at a fixed monthly rate and with a one-time non-recurrent charge, as is common with most telecommunications services. At no time does any value or ownership of the contract or related components revert to the School District during or upon termination of the service contract. *See* Agreement, attachment D. At no time does the school district assume any ownership or liability for goods purchased with these monies. *Id.*

the nation, preventing some schools and libraries from using the services that they find to be the most efficient and effective means for providing the educational applications they seek to secure. Given the varying needs and preferences of different schools and libraries and the relative advantages and disadvantages of different technologies, we agree with the Joint Board that *individual schools and libraries are in the best position to evaluate the relative costs and benefits of different services and technologies*

433. As the Joint Board observed, permitting schools and libraries full flexibility to choose among telecommunications services also eliminates the potential risk that new technologies will remain unavailable to schools and libraries until the Commission has completed a subsequent proceeding to review evolving technological needs. Thus, in an environment of rapidly changing and improving technologies, empowering schools and libraries, regardless of wealth and location, to choose the telecommunications services they will use as tools for educating their students will enable them to use and teach students to use state-of-the-art telecommunications technologies as those technologies become available.

434. We reject [the] arguments that authorizing discounts for all telecommunications services would be “arbitrary, unreasonable, and otherwise unlawful,” and would abdicate our responsibility to select a single set of services for schools and libraries. We limit section 254(c)(3) telecommunications services to those that are commercially available, and we find no reason to interpret section 254(c)(3) to require us to adopt a more narrow definition of eligible services.

FCC Order on Universal Service, 12 FCC Rcd at 9005-08 (emphasis added) (citations omitted).

Thus, the FCC intends that the scope of eligible telecommunications services be broad-ranging, limited only by the requirement that eligible services be “commercially available.”

The FCC Order on Universal Service does not specifically define “commercially available.” In a subsequent issuance, the Commission reiterated its broad interpretation of the term “eligible telecommunication services,” specifically declining to define the term “commercially available.” In refusing to adopt a definition, the FCC expressed concern that a one-size-fits-all standard could unduly limit school/library flexibility:

#6 Q: What does the Commission mean by “all commercially available telecommunications services”?

A: Because the Commission wanted to ensure that schools and libraries have maximum flexibility to purchase different packages of services at a discount, the Commission did not recommend a standard telecommunications package, but concluded that it would be more efficient to let schools and libraries determine what services they need and want. The Order allows schools and libraries to choose from a wide array of telecommunications services and technologies, including, for example, basic telephone service, a T-1 line, and wireless telecommunications services.

Frequently Asked Questions on Universal Service and the Snowe-Rockefeller-Exon-Kerrey Amendment, 13 FCC Rcd 4202 (1997).

Moreover, the FCC has stated that Wide Area Network services such as ATM are eligible for universal service funding. FCC’s Fourth Order on Reconsideration, FCC 97-420, CC Docket No. 96-45, 13 FCC Rcd 5318, 5430 n.585 (1997). Indeed, the SLD’s web site explicitly acknowledges the eligibility of ATM services for universal service support.⁷

The Administrator apparently concluded that the ATM network telecommunications services provided for in the GTEC Agreement are not commercially available because the services are “subject to the availability of service facilities” and require the provision of construction, trenching, conduits and subconduits. This conclusion is erroneous. HLPUSD is informed that the inclusion of this language limits GTEC’s obligation to provide services *immediately* to the extent the necessary facilities are available. In the circumstances where service facilities are not currently available, GTEC would be obligated to construct the necessary facilities to provide those services, as was the case here.

⁷ <http://www.sl.universalservice.org/SLC/Reference/471_App_Guid_Docs/471OReliglist.asp>. See also, FCC Order on Universal Service, 12 FCC Rcd at 9005-07.

Further, in those cases where construction is necessary because the customer is not already connected to GTEC's telecommunications network, GTEC requires that the customer share the cost of connecting the customer. This installation charge provides for all construction, trenching, conduit and subconduit work necessary to provide the service. The inclusion of this language in no way implies that ATM service is not commercially available.

In fact, ATM network telecommunications services are commercially available to all customers under similar contract terms. GTEC's website advertises the availability of ATM services in general and, in addition, specifically do so with respect to E-Rate programs.⁸ There should be no doubt that ATM services are commercially available and are eligible telecommunication services.

B. FCC policy on economically disadvantaged communities supports the HLPUSD's request for a universal service discount.

The denial of funding has had a significant, adverse impact on HLPUSD, a community school district serving a predominately economically disadvantaged. HLPUSD schools qualify for a 71% universal service discount based on the number of its students eligible for the national lunch program. Droe Aff., ¶ 7. This high discount rate indicates the importance and need for the government aid. Indeed, HLPUSD is a prime example of the type of economically disadvantaged area that the FCC has repeatedly attempted to support in its actions. The FCC Order on Universal Service states explicitly that economically disadvantaged schools and libraries should receive greater discounts. FCC Order on Universal Service, 12 FCC Rcd at 9037-38. Chairman Kennard has frequently espoused the importance of bringing advance

⁸ See <www.gte.com/customersupport/consumerinfo/erate/prep_5_1.html>, <www.gte.com/aboutgte/organization/wts.html>, and <www.gte.com/aboutgte/tsc/loctampa.html>.

telecommunications services into the classroom. See e.g., William Kennard, *FOREWORD: EQUALITY IN THE INFORMATION AGE*, 51 FED. COMM. L. J. 553, 555 (1999). In a recently published report by the National Telecommunications and Information Administration (NTIA), a branch of the Department of Commerce, the NTIA noted the influence of household income, education, and race on the likelihood of access to the Internet.

The chief concern with respect to household computer and Internet access is the growing digital divide. Groups that were already connected (e.g., higher-income, more educated, White and Asian/Pacific Islander households) are now far more connected, while those with lower rates have increased less quickly. As a result, the gap between the information "haves" and "have nots" is growing over time. The increasing divides are particularly troublesome with regard to Internet access.

NTIA, *Falling through the Net: Defining the Digital Divide* at 5-6 (released July 8, 1999)

<<http://www.ntia.doc.gov>>.

Many of the students and library patrons located in the HLPUSD are not likely to have Internet access in their households. Droe Aff., ¶ 5. The schools and libraries may well be their only method of accessing the Information Superhighway. By denying the HLPUSD a universal service discount, the Administrator is perpetuating this "Digital Divide" and contravening the very purpose of the universal service support mechanism.

Moreover, Mr. Droe explains that the purchase of ATM telecommunications network services from GTEC has enabled HLPUSD, *inter alia*, to implement the "Waterford Early Reading Project" throughout the School District. Droe Aff., ¶ 8. This Project, a computer-based, multimedia, early childhood reading program, could not be implemented efficiently and affordably absent the ATM network telecommunications services purchased by HLPUSD from GTEC.

Additionally, the Administrator's refusal to grant the request has forced HLPUSD to pay for the ATM network telecommunications services at issue using funds that would otherwise be available to address needs such as other instructional technology. Droe Aff., ¶ 9.

It is important to note that the Administrator previously granted a separate request by HLPUSD for a discount in connection with the provision of internal connections needed to use the ATM network telecommunications services. Droe Aff., ¶ 7; Attachment 7 to this pleading. HLPUSD is unable to discern a rational basis for the decision to grant a discount with respect to the provision of internal connections while denying a discount for the external connection.

C. *The HLPUSD qualifies for a universal service discount.*

Although neither the SLD nor the Administrator alleged any other deficiency in HLPUSD's discount request, for the sake of completeness we note here that the HLPUSD satisfies all federal requirements necessary to obtain a universal service discount.

Federal law places several restrictions on schools and libraries receiving services funded pursuant to universal service discounts. 47 U.S.C. § 254(h)(4) (1999). First, the school must meet the statutory definition of elementary or secondary school and not have an endowment exceeding \$50 million. *Id.* Second, the library must be eligible for assistance from a State library administrative agency under the Library Services and Technology Act and must not operate as a for-profit business. *Id.*; *see also* FCC Order on Universal Service, at 12 FCC Rcd at 9068. Third, the school or library may not sell, resell or transfer the telecommunication services for any thing of value. 47 U.S.C. § 254(h)(4) (1999). Fourth, the school or library must make a bona fide request for eligible services. 47 U.S.C. § 254(h)(1)(B) (1999); *see also* FCC Order on Universal Service, 12 FCC Rcd at 9068. Fifth, such services requested must be used for

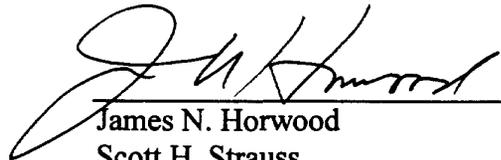
educational purposes. 47 U.S.C. § 254(h)(1)(B) (1999). Sixth, eligible services must be provided by an eligible telecommunications carrier. 47 U.S.C. §§ 214(e)(2) and 254(e) (1999).

The schools and libraries in the HLPUSD meet all applicable criteria. The schools are either institutional day or residential schools that provide elementary or secondary education. Droe Aff., ¶ 4. None of the schools have endowments in excess of \$50 million. *Id.*, ¶ 5. Both libraries in the HLPUSD are eligible for assistance from the State of California under the Library Services and Technology Act and are not operated as for-profit businesses. *Id.*, ¶ 6. The HLPUSD uses these telecommunication services for educational purposes and does not sell, resell, or otherwise transfer those services for money or any other thing of value. *Id.*, ¶ 13. Finally, HLPUSD is informed that GTEC is an eligible telecommunications carrier because it has been designated by the California Public Utility Commission to provide universal service in the service area in which the HLPUSD is located.

IV. STATEMENT OF RELIEF

HLPUSD asks that the Commission, acting pursuant to its authority under 63 Fed. Reg. 70,564, 70,578 (1998), *to be codified at* 47 C.F.R. § 54.722: (1) reverse the Administrator's denial of HLPUSD's application for universal service discount; and (2) grant the HLPUSD's discount request of 71% for its Agreement with GTEC for ATM network telecommunication services.

Respectfully submitted,



James N. Horwood

Scott H. Strauss

Tony Lin

Attorneys for Hacienda La Puente Unified
HLPUSD

Law Offices of:

Spiegel & McDiarmid

Suite 1100

1350 New York Avenue, NW

Washington, DC 20005-4798

(202) 879-4000

July 21, 1999

ATTACHMENT 1

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:

Hacienda La Puente Unified School District
Decision of Universal Service Administrator

FCC Docket Nos. 97-21
and 96-45

AFFIDAVIT OF MICHAEL DROE
ON BEHALF OF
HACIENDA LA PUENTE
UNIFIED SCHOOL DISTRICT

1. My name is Michael Droe. I am the Director of Networks & Computer Services for the Hacienda La Puente Unified School District (“HLP School District” or “HLPUSD”). My business address is 15959 East Gale Avenue, Post Office Box 60002, City of Industry, CA 91716-1115.
2. I have prepared this Affidavit in support of HLP School District’s appeal of the denial by the Universal Service Administration Co. (“Administrator”), acting through its Schools & Libraries Division, of HLPUSD’s request for a universal service discount in connection with its telecommunications service agreement with GTE California Incorporated (“GTEC”). The purpose of the affidavit is to address certain factual assertions associated with HLPUSD’s appeal.
3. I have been directly involved in HLPUSD’s efforts to obtain the universal service discount associated with the telecommunications service provided by GTEC, and have direct knowledge of the events described in this Affidavit.

HLP SCHOOL DISTRICT

4. HLP School District serves approximately 22,619 elementary and secondary school students. The School District is comprised of 34 nonprofit institutional day or residential schools that provide elementary or secondary education.
5. HLPUSD serves a predominantly low-income urban area, as evidenced by the percentage of its students who are eligible for the federal school lunch program, which is approximately 71%. Many of the students and library patrons located in the HLP School District are not likely to have Internet access in their households. None of the schools in the district has an endowment that exceeds \$50 million.
6. The two libraries in the district are eligible for assistance from the State of California under the Library Services & Technology Act and do not operate as for-profit businesses. HLPUSD estimates that the libraries service 64,000 patrons.
7. In accordance with the Federal Communication Commission's ("FCC") discount matrix, the schools and libraries in the HLPUSD are eligible for a shared discount rate of 71%.
8. Use of this ATM network has directly affected K-12 student instruction by allowing critical instructional programs and content to be delivered and managed more effectively and cost efficiently. One such program is the Waterford Early Reading Program developed by the Waterford Institute and Electronic Education. Without this ATM network, it would not have been possible to implement and manage efficiently or affordably this program which services 167 kindergarten and 1st grade classrooms in HLPUSD.

9. Denial of the discount application for this network has directly affected student instruction by requiring the district to pay the full cost of network deployment and operation with funds that would have been used for other instructional technology, including further deployment of the Waterford Early Reading Program in grades 2 and 3.

EVENTS ASSOCIATED WITH HLPUSD'S APPEAL

10. In late 1997, HLPUSD and GTEC executed an agreement under which GTEC would provide HLPUSD with Asynchronous Transfer Mode ("ATM") network telecommunications services. The ATM services provided by GTEC to HLPUSD are used by HLPUSD to meet the School District's telecommunications and internet service needs.
11. It is my understanding that GTEC is an eligible telecommunications carrier because it has been designated by the California Public Utility Commission to provide universal service in the service area in which the HLPUSD is located.
12. Under the Agreement, GTEC was to provide ATM services "[s]ubject to the availability of service facilities." Agreement, Attachment 2 to this Pleading, Section 1, at 1. Section 1 went on to state that to the extent such facilities were unavailable, GTEC would construct them. In that sense, I regarded the Agreement as a standard commercial arrangement, under which GTEC would provide service either through its existing facilities or through to-be-constructed facilities. GTEC was required to install certain fiber optic cables to effectuate the delivery of ATM services to HLPUSD's buildings. HLPUSD paid for that construction as part of the non-recurrent charge (NRC) for the service, but has no

property interest in the facilities, which remain the property of GTEC. As I understand it, this arrangement is no different from the situation in which the telephone company installs a service drop in order to provide service to a new residence.

13. I have checked my understanding of the commercial status of the services provided under the HLPUSD-GTEC Agreement with GTEC personnel. I have confirmed that the services for which HLPUSD seeks universal support service support are "commercially available." My understanding is that the services are available to other GTEC customers, and the expenses incurred to provide these services to HLPUSD are the same types of expenses that other GTEC customers would incur to obtain these services. HLPUSD currently uses and intends to use the telecommunication services that are the subject of this appeal for educational purposes only, and does not sell, resell, or otherwise transfer those services for money or anything of value.
14. In early 1998, HLPUSD applied for a universal service discount for the ATM telecommunication services with GTEC.
15. On February 25, 1999 the Schools and Library Division ("SLD") of the Universal Service Administrative Co. notified HLPUSD in writing that no discount would be provided for the services purchased by HLPUSD from GTEC. This was inconsistent with the SLD's earlier grant of HLPUSD's universal service discount request for the internal connections associated with the provision of ATM network telecommunications services.

16. On March 22, 1999, HLPUSD appealed the denial to the Administrator. I prepared HLPUSD's appeal.
17. In a decision dated June 8, 1999, but which was not received by the HLP School District until June 21, 1999, the Administrator denied in full the discount request.
18. On July 8, 1999 the HLP School District asked the FCC for an extension (until July 21, 1999) of the deadline for the submission of an appeal of the Administrator's decision.
19. Because of the Administrator's denial, the HLP School District has been denied approximately \$3 million in discount funding.

Further Affiant saith not.

STATE OF CALIFORNIA

SS:

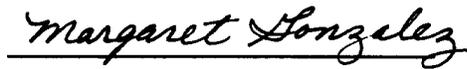
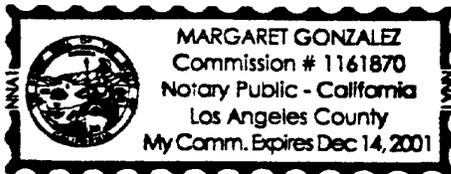
COUNTY OF LOS ANGELES

Michael Droe, being first duly sworn, states that the statements in the foregoing Affidavit are true and correct to the best of his knowledge, information, and belief.



Michael G. Droe

SUBSCRIBED and SWORN to before me, a Notary Public, this 21st day of July 1999.



Notary Public

My Commission expires:

Dec. 14, 2001

ATTACHMENT 2

HOME CANCEL HELP



FCC Form

Approval by OMB
3060-0806

470

Schools and Libraries Universal Service Program Description of Services Requested and Certification Form

I am sending in the list of individual billed entities (their zip codes and zip codes of their recipients of service) because I have more than 500 billed entities in Item 19, or in Item 20, or I have selected a state-wide check box in Item 19.

Yes No

For applicants who check "Yes", the list is necessary to complete the certification process.

USCN: 268228000018896

21. The applicant includes:(Check one or both)

- a. schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

22. All of the individual schools, libraries, and library consortia listed above in item 19 are covered by:

- a. individual technology plans and/or
- b. higher-level technology plans for using the services requested in this application(if those services consist of other than voice services).

23. Status of technology plan(check one):

- a. Technology plan(s) has/have been approved; or
- b. Technology plan(s) will be approved by a state or other authorized body; or
- c. Technology plan(s) will be submitted to Schools and Libraries Corporation for approval.

24. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

25. I recognize that support under this program is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

26. I certify that I am authorized to submit this request on behalf of the above-named applicant, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

27. Signature of authorized person		28. Date	2/19/98
29. Printed name of authorized person	Michael G. Dree		
30. Title or position of authorized person	Director, Networks & Computer Services		

USCN: 268228000018896
HACIENDA LA FUENTE UNIF DIST
1999 E GALE AVE
CITY INDUSTRY, CA 91716-0002

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Sec. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

NOTICE TO INDIVIDUALS: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, themselves or as part of a consortium. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation of potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

With the exception of your social security number, if you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. § 552, and the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

This form should be submitted to:

Schools and Libraries Corporation
P.O. Box 4217
Iowa City, Iowa 52244-4217
1-888-303-8100

Done

Copyright 1997
Schools and Libraries Corporation, Inc.

470

Schools and Libraries Universal Service

Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 6 hours

This form is designed to help schools and libraries describe the eligible telecommunications-related services they seek so that this data can be posted on a website and interested service providers can identify the applicant as a potential customer and compete to serve it.

Please read instructions before completing. (To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications (School, library, or consortium desiring Universal Service funding.)

1. Name of Applicant Hacienda La Puente Unified School Dist 2. Funding Year 1998

3a. NCES School Code (if individual school) or NCES Library Code (if individual library) n/a

3b. Universal Service Control Number 304760000002561 3c. Applicant ID Number 344490000002538
(Administrator will insert this) (Administrator will insert this)

4a. Type of Applicant (Check only one box.)
 school
 school district
 library or library consortium under the LSTA
 consortium of multiple entities
 4b. If applicant is a consortium, check all other boxes that apply:
 includes non-governmental entities ineligible for support
 entity desires separate bills for each member of consortium
 entity desires separate bills for some members of consortium
 region of a state statewide multi-state
 state educational agency
 local educational agency
 educational service agency

5. Applicant's Street Address, P.O. Box, or Route Number
P.O. Box 60002

City	State	Zip Code	Telephone Number	E-mail Address
<u>City of Industry</u>	<u>CA</u>	<u>91716</u>	<u>626-933-1000</u>	<u>mdroe@hlpusd.k12.ca.us</u>

6. Contact Person's Name Michael G. Droe

Street Address, P.O. Box, or Route Number (if different from Item 5)

City	State	Zip Code

Fill in all of the following (if available), and check the preferred mode of contact: Telephone 626-933-1081
~~FAX 626-930-4579~~ E-mail mdroe@hlpusd.k12.ca.us Mail

Block 2: Other Characteristics of Applicant

7a. Number of students 22,619 7b. Number of library patrons 64,000

8. Number of buildings to be served 44 9. Number of rooms to be served 1,089

Block 3: Summary Description of Needs or Services Requested

10. Check if applicant seeks discounts only for eligible services based on one or more existing, binding contract(s) and proceed to Block 4. If so, provide date(s) contract(s) was/were signed 9/13/97 and its/their termination date(s) 12/31/98.

11. Check here if you have a Request for Proposal (RFP) available. If the RFP is posted on a website, provide the website address _____.

Contact Person's Name Michael G. Droe and Phone Number (626) 933-1031

(1)	(2) Existing Service	(3) Additional Services Desired	(4) Total Service Desired	(5) Details (Optional)
12. Telecommunications Services				
a. Number of phones that have or require service (See instructions concerning extension phones and fax machines.)				
b. Number of computers that have or require service				
c. Number of high bandwidth video conferencing links				
d. Specify other (Optional)				
13. Internal Connections				
a. Number of buildings with at least some rooms connected				
b. Number of rooms connected				
c. Highest speed of connection				
d. Specify other (Optional)				
14. Internet Access				
a. Number of dial up connections necessary				
b. Highest speed of such dial up connections				
c. Number of direct connections necessary				
d. Highest speed of such direct connections				
e. Specify other (Optional)				

15. You may provide additional summary information about the services you are requesting to help service providers identify your needs more precisely. You may provide technical requirements or give an informal description of your telecommunications-related goals. You may attach additional pages if necessary.

16. Check here if there are any restrictions imposed by state or local laws or regulations on how and when providers may contact

Contact Person's Name Michael G. Dove and Phone Number: (606) 933-1031

you or on other bidding procedures. Please describe below any such restrictions or procedures. You may attach restrictions or give website where they are posted.

17. Purchases in future years: If you have current plans to purchase additional services in future years, describe them below. (Providing this information is optional.)

Block 4: Technology Assessment

18. Although the following services and facilities are ineligible for support, they are usually necessary if schools and libraries are to make effective use of the eligible services requested in this application. (If your application is only for basic voice telephone service, check this box and go to Item 19. Otherwise, you must check at least one box on each of the other lines. You may provide details for purchases being sought.)

- a. Desktop communications software: Software required has been purchased; and/or is being sought.
 - b. Electrical systems: adequate electrical capacity is in place or has already been arranged; and/or upgrading for additional electrical capacity is being sought.
 - c. Computers: a sufficient quantity of computers has been purchased; and/or is being sought.
 - d. Computer hardware maintenance: adequate arrangements have been made; and/or are being sought.
 - e. Staff development:
 all staff have had an appropriate level of training or additional training has already been scheduled; and/or training is being sought.
 - f. Additional details: Use this space to provide additional details to help providers to identify the services or facilities you desire.
-
-
-
-
-

Block 5: Listing Consortium Participants

Contact Person's Name Michael G. Droe and Phone Number (626)933-1031

19. **Eligible Entities:** (Billed Entities.) If applicant is an individual school or a library or a school district or a library system that will receive only one bill, it should only fill in the first row of this chart. If applicant is a consortium of multiple billed entities, then it should fill out a row for each billed entity. (Applicant may attach additional pages.)

Billed Entry	Billed Entry's Zip Code	Billed Entity Code (Inserted by Administrator)	Zip Code(s) of Recipients of Service
Hacienda La Puente USD	91744 91715 002	[REDACTED]	91744, 91745 91746, 91749

20. **Entities Ineligible for Schools and Libraries Discount:**

Name of Entry	Zip Code(s) of Recipient of Service	Contact Person	Phone Number, E-mail Address, or Alternative Preferred Contact Method

Block 6: Certifications and Signature

21. The applicant includes: (Check one or both.)

- a. schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges, and universities.

22. All of the individual schools, libraries, and library consortia listed above in item 19 are covered by:

- a. individual technology plans and/or
- b. higher-level technology plans for using the services requested in this application (if those services consist of other than voice services).

Contact Person's Name Michael G. Droe and Phone Number (626) 933-1031

23. Status of technology plans (check one):
a. Technology plan(s) has/have been approved; or
b. Technology plan(s) will be approved by a state or other authorized body; or
c. Technology plan(s) will be submitted to Schools and Libraries Corporation for approval.
24. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
25. I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.
26. I certify that I am authorized to submit this request on behalf of the above-named applicant, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

27. Signature of authorized person	28. Date <u>1/30/88</u>
29. Printed name of authorized person <u>Michael G. Droe</u>	
30. Title or position of authorized person <u>Director - Networks & Computer Services</u>	

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

NOTICE TO INDIVIDUALS: Section 54.504 of the Federal Communication Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, themselves or as part of a consortium. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation of potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

With the exception of your social security number, if you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. § 552, and the Paperwork Reduction

Contact Person's Name Michael G. Dwe and Phone Number: (626) 933-1031

Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq

Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

This form should be submitted to: **Schools and Libraries Corporation**
P.O. Box 4217
Iowa City, Iowa 52244-4217
1-888-203-8100

471

Schools and Libraries Universal Service Services Ordered and Certification Form

Estimated Average Burden Hours Per Response: 6 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Schools and Libraries Corporation can set aside sufficient support to reimburse providers for services.

Please read instructions before completing. (To be completed by each Billed Entity)

Block 1: Applicant Address and Identifications (School, library, or consortium desiring Universal Service funding.)

1. Name of Applicant (Billed Entity) Hacienda La Puente Unified School District		2. Funding Year 1998	
3a. NCES School Code (if individual school) or NCES Library Code (if individual library)		3c. Billed Entity Number 143577	
4a. Type of Applicant (Check only one box) <input type="checkbox"/> school <input type="checkbox"/> school district <input type="checkbox"/> library or library consortium under the LSTA <input checked="" type="checkbox"/> consortium of multiple entities		4b. If applicant is a consortium, check all other boxes that apply: <input type="checkbox"/> includes non-government entities ineligible for support <input checked="" type="checkbox"/> region of a state <input type="checkbox"/> statewide <input type="checkbox"/> multi-state <input checked="" type="checkbox"/> state educational agency <input type="checkbox"/> local educational agency <input type="checkbox"/> educational services agency	
5. Applicant's Street Address, P.O. Box, or Route Number 15959 East Gale Avenue, P.O. Box 60002			
City City of Industry	State CA	Zip Code 91716-0002	Telephone Number 626-933-1000
6. Contact Person's Name Michael G. Droe			
Street Address, P.O. Box, or Route Number (if different from Item 5)			
City	State	Zip Code	
Fill in all of the following (if available), and check the preferred mode of contact: <input type="checkbox"/> Telephone 626-933-1001			
<input type="checkbox"/> FAX 626-330-4579 <input checked="" type="checkbox"/> E-mail info@hlpusd.k12.ca.us <input type="checkbox"/> Mail			

Block 2: Purpose of Request

7. Purpose of Request: (Check all that apply, if any.)	
a. <input checked="" type="checkbox"/> Discount on contract(s) signed prior to a request being posted on the Administrator's website. Was an FCC Form 470 filed with regard to all the contract(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
b. <input type="checkbox"/> Discount on contract(s) signed after a request being posted on the Administrator's website.	
c. <input type="checkbox"/> Minor modifications or supplement to existing contract(s) for which a Form 471 was already filed. 471 Application Number _____	

Block 3: Characteristics of Applicant and Applicant's Service Order (derived from FCC Form 470 Blocks 2 & 3)

8a. Number of students 22,619	8b. Number of library patrons 64,000
9. Number of buildings to be served 44	10. Number of rooms to be served 1,089

Contact Person's Name Michael G. Droe

and Phone Number: 626-933-1031

	Existing Services	Total Services After Order
11. Telecommunications Services		
a. Number of phones that have or require service (See instructions concerning extension phones and fax machines.)		
b. Number of computers that have or require service	3,080	3,500
c. Number of high bandwidth video conferencing links	8	44
12. Internal Connections		
a. Number of buildings with at least some rooms connected		
b. Number of rooms connected		
c. Highest speed of connection		
13. Internet Access		
a. Number of dial up connections		
b. Highest speed of such dial up connections		
c. Number of direct connections		
d. Highest speed of such direct connections		

Block 4: Determining Discount Percentage

14. Fill in one line per school, library, or library consortium and calculate in the last line, an average discount rate for the billed entity. Attach additional pages if necessary. *Note:* If the applicant has already completed this chart for all of the same entities with data that is current, provide the "471 Application Number" (Item 3b), from that previous FCC Form 471 here:

(1) Name of Individual School or Library	(2) NCES or Comparable Code for School or Library (Obtain from Administrator)	(3) Urban or Rural	(4) <i>For Schools:</i> Number of Students <i>For Libraries:</i> NCES Code of a School in its District	(5) <i>For Schools:</i> Number of Students Eligible for National School Lunch Program	(6) Discount Calculated from Discount Matrix	(7) Check if School or Library will use "Shared Services" listed in Item 15.
Baldwin Elementary	19 73445 6014112	Urban	622	474	90	<input checked="" type="checkbox"/>
Bixby Elementary	19 73445 6014120	Urban	561	299	80	<input checked="" type="checkbox"/>
California Elementary	19 73445 6014138	Urban	517	431	90	<input checked="" type="checkbox"/>
Del Valle Elementary	19 73445 6014153	Urban	653	562	90	<input checked="" type="checkbox"/>
Glendale Elementary	19 73445 6014195	Urban	297	212	80	<input checked="" type="checkbox"/>
Grande Elementary	19 73445 6014203	Urban	537	63	40	<input checked="" type="checkbox"/>
FOR SHARED SERVICES ORDERED BY BILLED ENTITY (attach worksheet of calculations)					82	

Contact Person's Name: Michael G. Droe

and Phone Number: 828-833-1831

Block 5: Services Ordered

15. "Shared" services: All EXCEPT site-specific, internal connections and dedicated ("private line") connections from only one school or library to an ISP or other end user.

(1) SLC Service Provider Number or Full Legal Name of Service Provider	(2) Universal Service Control Number for Form 470 on which this is based	CONTRACT			(6) Services or Products	(7) Service Start Date	Amount		(10) Estimated Total Annual Pre-discount Cost	(11) Percentage Discount (from Item 14)
		(3) Contract Number (if applicable)	(4) Award Date	(5) Expir- ation Date			(8) Estimated One Time Pre- discount Cost	(9) Estimated Monthly Pre- discount Cost		
OTE California, Incorporated	268228000018896	ICB CA97-02339	10/10/97	12/31/98	Telecommunications Services	01/01/98	\$4,000,000.00	\$45,000.00	\$195,000.00	92.00%
					Internet Access					
					Internal Connections (Shared)					
					Telecommunications Services					
					Internet Access					
					Internal Connections (Shared)					
					Telecommunications Services					
					Internet Access					
					Internal Connections (Shared)					

Contact Person's Name Michael G. Dree

and Phone Number: 626-933-1031

16. "Site Specific" Services: Internal connections not shared by multiple schools or libraries and dedicated ("private line") connections from only one school or library to an ISP or other end-user.

(1)	(2)	CONTRACT			(6)	(7)	Amount (See instructions about rounding)			(11)	(12)
		(3)	(4)	(5)			(8)	(9)	(10)		
SIC Number of Service Provider (Obtain from Service Provider)	Universal Service Control Number for Form 470 on which this is based	Contract Number (if applicable)	Award Date	Expiration Date	Services or Products	Service Start Date	Estimated One Time Pre-discount Cost	Estimated Monthly Pre-discount Cost	Estimated Total Annual Pre-discount Cost	Percentage Discount (from Item 14)	School or Library Code (Listed on website)
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						
					Dedicated Services						
					Internal Connections						

Contact Person's Name

Michael G. Droe

and Phone Number

626-933-1031

17. [X] Check this box to confirm that, for each service provider listed in 15 and 16, above, a list is attached (as an appendix to this form) of all of the services that each service provider is providing to the billed entity. Service providers should provide these lists on request.

18. a. Total dollars of support allocated for this application for the entire funding year (calculated by administrator)
b. Amounts of support set aside for this application for the first six months of the year (calculated by administrator)

19. Provide the total estimated cost (pre-discount price) for the services you expect to order in the funding year following the one for which you are applying here. (This figure is not budget.)

588,000.00

20. Is your order solely for basic telephone service?

Yes No

Block 6: Certification and Signature

21. The applicant is eligible for support because it includes: (Check one or both.)

- a. schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801 (14) and (25), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
- b. libraries or library consortia eligible for assistance from a state library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary and secondary schools, colleges, or universities.

22. The school(s) or library(ies) I represent have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.

23. All of the individual schools, libraries, and library consortia listed above in items 15 and 16 are covered by:

- a. an individual, and/or
- b. higher-level technology plan(s) for using the services requested in this application (if those services consist of other than voice services).

24. Status of technology plans (check one):

- a. Technology plan(s) has/have been approved; or
- b. Technology plan(s) will be approved by a state or other authorized body; or
- c. Technology plan(s) will be submitted to Schools and Libraries Corporation for approval.

25. I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurements of services for which support is being sought.

26. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

27. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are trained on sharing in the service receive an appropriate share of benefits from those services.

28. I recognize that I may be audited pursuant to this application and will retain for five years any and all worksheets and other records that I rely upon to fill out this application.

29. I certify that I am authorized to submit this request on behalf of the above-named institution, that I have examined this request and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

30. Signature  31. Date 03/17/98

32. Printed name of authorized person Michael G. Droe

33. Title or position of authorized person Director, Networks & Computer Services

Contract Person's Name

Michael G. Diaz

and Phone Number: 526-913-1011

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

NOTICE TO INDIVIDUALS: Section 54.504 of the Federal Communications Commission's rules require all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Service Order and Certification Form (FCC Form 471) with the Universal Service Administrator 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1994, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirements contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding.

If you owe a past due debt to the federal government, the taxpayer identification number (such as your social security number) and other information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to those agencies through the matching of computer records when authorized.

With the exception of your social security number, if you do not provide the information we request on the form, the FCC may delay processing of your application or may reject your application without action.

The Emerging Notice is required by the Privacy Act of 1974, Pub. L. No. 93-579, December 31, 1974, 5 U.S.C. § 552, and the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, reviewing the collection of information, Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Census Information Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

This form should be submitted to:

Schools and Libraries Corporation
P.O. Box 4217
Iowa City, Iowa 52244-4217
1-888-203-8100

Block 4: Determining Discount Percentages

14. Fill in one line per school, library, or library consortium and calculate in the last line, an average discount rate for the billed entity.

Attach additional pages if necessary. Note: If the applicant has already completed this chart for all of the same entities with data that is current, provide the "471 Application Number" (Item 3b), from that previous FCC Form 471 here:

(1) Name of Individual School or Library	(2) NCES Comparable Code for School or Library (Obtain from Administrator)	(3) Urban or Rural	(4) <i>For Schools:</i> Number of Students <i>For Libraries:</i> NCES Code of a School in its District	(5) <i>For Schools:</i> Number of Students Eligible for National School Lunch Program	(6) Discount Calculated from Discount Matrix	(7) Check if School or Library will use "Shared Services" Noted in Item 15.
Kwis Elementary	19 73445 6014237	Urban	383	268	80	(X)
Lassalle Elementary	19 73445 6014252	Urban	419	339	90	(X)
Los Altos Elementary	19 73445 6014260	Urban	370	67	40	(X)
Los Molinos Elem	19 73445 6014278	Urban	329	54	40	(X)
Los Robles Elem	19 73445 6014286	Urban	526	183	50	(X)
Nelson Elementary	19 73445 6014302	Urban	537	424	90	(X)
Palm Elementary	19 73445 6014336	Urban	443	281	80	(X)
Shadybond Elementary	19 73445 6014344	Urban	253	210	90	(X)
Sparks Elementary	19 73445 6014369	Urban	584	484	90	(X)
Sunset (Combined)	19 73445 6014385	Urban	325	262	90	(X)
Temple Elementary	19 73445 6014393	Urban	478	401	90	(X)
Valinda Elementary	19 73445 6068811	Urban	537	355	80	(X)
Wedgeworth Elem	19 73445 6066757	Urban	212	43	50	(X)
Wing Lane Elem	19 73445 6022396	Urban	495	390	90	(X)
Workman Elementary	19 73445 6014419	Urban	596	480	90	(X)
Mesa Robles (Combined)	19 73445 6014294	Urban	1001	160	50	(X)
Cedertine Middle School	19 73445 6014146	Urban	556	259	60	(X)
Fairgrove (Combined)	19 73445 6014179	Urban	753	507	80	(X)
Grandview (Combined)	19 73445 6022255	Urban	1049	750	80	(X)
Newton Middle School	19 73445 6014310	Urban	606	178	50	(X)
Orange Grove Middle School	19 73445 6014328	Urban	560	220	60	(X)
Sierra Vista Middle School	19 73445 6014351	Urban	834	634	90	(X)
Sparks Middle School	19 73445 6014377	Urban	1079	815	90	(X)
La Puente High School	19 73445 1934801	Urban	1596	1,012	80	(X)
Los Altos High School	19 73445 1935246	Urban	1644	373	50	(X)
Wilson High School	19 73445 1939834	Urban	1624	315	40	(X)
FOR SHARED SERVICES ORDERED BY BILLED ENTITY (attach worksheet of calculations)					82	

102	Blidain Elementary	18 73445 0014112	474	622	76.20	90	559.6
103	Bobby Elementary	19 73445 0014120	299	581	53.29	80	448.9
104	California Elem	19 73445 0014138	442	534	63.36	90	480.6
106	Del Valle Elementary	19 73445 0014153	582	653	66.06	90	587.7
110	Gieseler Elementary	19 73445 0014195	212	287	71.38	80	237.6
113	Grazida Elementary	19 73445 0014203	63	537	11.73	40	214.8
116	Kiva Elementary	19 73445 0014237	268	383	69.97	80	306.4
117	Lascelles Elem	19 73445 0014252	339	419	60.90	90	377.1
119	Los Altos Elementary	19 73445 0014260	67	370	18.10	40	148
120	Los Molinos Elem	19 73445 0014278	54	329	15.41	40	131.6
121	Los Robles Elem	19 73445 0014286	183	526	34.79	50	263
123	Nelson Elementary	19 73445 0014302	424	537	78.85	80	483.3
126	Palo Alto Elementary	19 73445 0014338	281	443	63.43	80	354.4
127	Shadycrest Elementary	19 73445 0014344	210	253	83.00	90	227.7
129	Sparks Elementary	19 73445 0014369	484	584	82.87	90	625.6
132	Sunset (Combined)	19 73445 0014385	262	325	60.62	90	292.5
133	Tropic Elementary	19 73445 0014393	401	478	65.89	90	436.2
134	Vainis Elementary	19 73445 0014411	355	537	66.10	80	429.6
136	Wedgeworth Elem	19 73445 0014427	43	212	20.28	50	106
137	Wing Lane Elem	19 73445 0022386	380	495	78.78	90	445.5
138	Wentman Elementary	19 73445 0014418	480	586	60.53	90	536.4
222	Meta Robles (Combined)	19 73445 0014284	160	1001	15.98	50	500.5
405	Cadiz Middle School	19 73445 0014146	259	556	46.58	60	333.6
409	Fairgrove (Combined)	19 73445 0014179	507	753	67.33	80	602.4
412	GrandView (Combined)	19 73445 0022355	760	1089	71.60	60	839.2
424	Newton Middle School	19 73445 0014510	178	606	29.37	50	303
425	Orchard Hills Middle School	19 73445 0014329	220	590	69.28	60	336
428	Sierra Vista Middle School	19 73445 0014351	654	854	78.58	90	768.6
438	Spring Valley Middle School	19 73445 0014372	815	1079	78.23	80	971.1
540	La Puente High School	19 73445 1934801	1012	1596	63.40	80	1276.8
541	Los Alamos High School	19 73445 1935048	373	1644	22.68	50	522
542	Wilson High School	19 73445 1936834	315	1624	19.39	40	649.6
543	Woodward High School	19 73445 1936925	782	1239	61.50	80	891.2
644	Valley High School (Comb)	19 73445 1938936	148	387	40.33	60	220.2

1

Library Information

Hacienda Heights Library	19 73445 0014344	266,445	378,000	37,000	80
La Puente Library	19 73445 0014282	126,000	204,000	27,000	90

SLC PROBLEM RESOLUTION RESPONSE FORM

Fax To: (888) 276-8736

Contact Number: (888) 203-8100

PLEASE COMPLETE:

Name of Applicant: Hacienda La Puente Unified School District

Applicant Control Number: 008091

Name of person completing this response: Michael G. Droe

Return Fax Number: (626)330-4579 Telephone Number: (626)933-1031

Number of Pages (including your cover page and this response form): 3

Attestation/Certification

"I certify that the information attached in the following 1 (fill in number) pages is accurate and complete to the best of my knowledge, information and belief, and that I am authorized to submit this information on behalf of Hacienda La Puente Unified School District (Name of billed entity Form 471 applicant)."

Michael G. Droe
Name of Authorized Person

Director, Networks & Computer Services
Title of Authorized Person


Signature of Authorized Person

(626)933-1031
Telephone Number of Authorized Person

April 27, 1998
Date

For Applicants lacking Service Provider Identification Numbers (SPIN's) on their Form 471 application, please check one of the following:

All SPIN's provided here Some SPIN's provided here

No SPIN's yet provided here; estimated arrival date of SPIN's is: _____

Contact Person's Name _ Michael G. Drec

and Phone Number: 828-933-1031

Block 5: Services Ordered

15. "Shared" services: All EXCEPT site-specific, internal connections and dedicated ("private line") connections from only one school or library to an ISP or other end user.

(1) S.I.C. Service Provider Number or Full Legal Name of Service Provider	(2) Universal Service Control Number for Form 470 on which this is based	CONTRACT			(6) Services or Products	(7) Service Start Date	Amount			(11) Percentage Discount (from Item 14)
		(3) Contract Number (if applicable)	(4) Award Date	(5) Expir- ation Date			(8) Estimated One Time Pre- discount Cost	(9) Estimated Monthly Pre- discount Cost	(10) Estimated Total Annual Prediscount Cost	
GTE California, Incorporated 143804769	26822000018896	ICB CA97-82332	18/10/97	12/31/98	Telecommunications Services	01/01/98	\$4,000,000.00	\$49,000.00	\$580,000.00	\$2.00%
					Internet Access					
					Internal Connections (Shared)					
					Telecommunications Services					
					Internet Access					
					Internal Connections (Shared)					
					Telecommunications Services					
					Internet Access					
					Internal Connections (Shared)					

MODE = TRANSMISSION

START=APR-27 13:00

END=APR-27 13:02

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	FRG.NO.	PROGRAM NAME
001	OK	*	18882768736	003		

-HACIENDA LA PUENTE NCS -

15959 East Gale Avenue • P.O. Box 60002
City of Industry, CA • 91716-0002

Hacienda La Puente Unified School District
Networks & Computer Services

Fax

To: Carol Wall **From:** Michael Droe, Director

Fax: (909)944-6046 **Pages:** 14 (including cover sheet)

Phone: (909)944-6088 **Date:** 3/8/99

Re: ATM Network SLC Denial **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

• **Comments:**

Carol,

Following are the pages from the original 471 submission, a correction page on the calculated shared discount percentage that was sent to the SLC upon request, and the denial notification following wave 10. There was another correction made after working with the SLC in that the annual total did not include the one-time (NRC) cost. This was added and submitted to the SLC.

Let me know if there is anything else that can be provided. Thanks again for your help.

Best regards,

Mike



102	Baldwin Elementary	19 73445 6014112	474	522	76.20	90	559.8
103	Buby Elementary	19 73445 6014120	289	581	53.29	80	448.8
104	California Elem	19 73445 6014138	442	534	83.36	90	480.6
106	Del Valle Elementary	19 73445 6014153	562	653	86.06	90	587.7
110	Glenelder Elementary	19 73445 6014195	212	297	71.38	80	237.6
113	Gracide Elementary	19 73445 6014203	83	537	11.73	40	214.8
116	Kws Elementary	19 73445 6014237	268	383	69.97	80	306.4
117	Lesseeville Elem	19 73445 6014252	339	419	80.90	90	377.1
119	Los Altos Elementary	19 73445 6014260	67	370	18.10	40	148
120	Los Molinos Elem	19 73445 6014278	54	329	18.41	40	131.6
121	Los Rios Elem	19 73445 6014286	183	526	34.79	50	263
123	Nelson Elementary	19 73445 6014302	424	537	78.86	90	483.3
126	Palm Elementary	19 73445 6014336	281	443	63.43	80	354.4
127	Shadyband Elementary	19 73445 6014344	210	253	83.00	90	227.7
129	Sparks Elementary	19 73445 6014368	484	584	82.87	90	525.6
132	Sunset (Combined)	19 73445 6014385	262	325	80.82	90	292.5
133	Temple Elementary	19 73445 6014393	401	478	83.89	90	430.2
134	Valinda Elementary	19 73445 6068811	355	537	66.10	80	429.6
135	Wedgeworth Elem	19 73445 6066757	43	212	20.28	50	108
137	Wing Lane Elem	19 73445 6022396	390	495	78.78	90	445.5
138	Workman Elementary	19 73445 6014419	480	586	80.93	90	538.4
222	Mesa Robles (Combined)	19 73445 6014294	160	1001	15.98	40	400.4
405	Cedarlane Middle School	19 73445 6014146	259	556	46.58	60	333.6
409	Fargrove (Combined)	19 73445 6014178	507	753	67.33	80	602.4
412	Grandview (Combined)	19 73445 6022255	750	1049	71.50	80	839.2
424	Newton Middle School	19 73445 6014310	178	808	29.37	50	303
425	Orange Grove Middle School	19 73445 6014328	220	580	39.28	60	336
428	Sierra Vista Middle School	19 73445 6014351	654	854	78.68	90	768.6
430	Sparks Middle School	19 73445 6014377	818	1079	75.53	90	871.1
540	La Puente High School	19 73445 1934801	1012	1596	63.40	80	1278.8
541	Los Altos High School	19 73445 1935246	373	1844	22.68	50	822
542	Wilson High School	19 73445 1939834	315	1624	19.39	40	649.8
543	Workman High School	19 73445 1939925	782	1239	61.50	80	981.2
644	Valley High School (Comb)	19 73445 1938935	148	367	40.33	60	220.2
1	District-Wide Totals	19 73445 0000000	12,408	22,819	54.84	71%	16,100.70

Library Information

MacLaren Heights Library	19 73445 6014344	288,443	379,000	37,000	90
La Puente Library	19 73445 6014252	125,000	204,000	27,000	80
Library Totals		391,443	583,000	64,000	90

SPIN #: 143004769